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MICHIGAN LAW REVIEW

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LAW SCHOOL OF THE UNIVERSITY OF MICHIGAN

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STUDENTS, APPOINTED BY THE FACULTY FROM THE CLASS OF 1919:

EDWIN DE WITT DICKINSON, of Michigan
ABRAHAM JACOB LEVIN, of Michigan

NOTE AND COMMENT

THE LAW SCHOOL.—In common with all other law schools requiring college work for admission, this school has suffered a very heavy loss in attendance because of war conditions. This, however, is a matter for pride and not for discouragement for it means that our students have gone into the army or navy or other branches of the national service in very high ratio to their total number. And this is by no means due only to the effect of the Selective Service Act for from the very beginning our men have volunteered in great spirit and promptness. In 1917 fewer than two-thirds of the then senior class were present at the Commencement exercises to receive their degrees. Most of them had gone by the middle of May. All this indicates that the profession is living up to one of its high traditions of patriotic service.

The University is one of the institutions at which the Government has established a branch of the Students' Army Training Corps, and it was early decided that the Law School should admit members of the Corps who meet the entrance requirements of the school. This decision necessitated the adoption of the four quarters or term plan of organization instead of the two semesters and summer session. Except for the S. A. T. C. students, however, this has made little difference in the actual giving of the courses. With the exception of one or two minor and special topics, such as Mining and Irrigation Law and the law of Public Officers, the faculty is offering the regular curriculum in its entirety. Therefore, those students who are not in the S. A. T. C. are taking their work in substantially the usual way. The requirements for admission to and the standards of work in the School, and

the requirements for graduation have not been and will not be lowered in any degree whatever. Sixty-five students have enrolled in the School. Of this number three who are members of the S. A. T. C. have not passed their physical examinations and may therefore withdraw. The students are classified as follows:

Graduate students	2
Third year students	18
Second year students	15
First year students	29
Special student	1
	—
Total	65

Small as this number is it makes up, so far as is known, the second largest law school in the United States requiring college work for admission. Harvard is reported to have 69 students. At least eight law schools have suspended entirely and others are giving only one or two years of work during the period of the war.

There has been some redistribution of courses among the faculty. Dean Bates has returned after a year's leave of absence and is giving the courses in Constitutional Law and International Law. Professor Wilgus, besides his regular work, is giving a course in Military Law in accordance with the requirements of the War Department. The subject is being intensively developed upon strictly professional standards of work. Professor Goddard has taken over the courses in Wills and Property II; Professor Aigler has taken the course in Contracts; Professor Durfee has taken the course in Suretyship; Professor Barbour has taken the course in Future and Conditional Interests in Property; and Professor Waite has taken the course in Bills and Notes. Otherwise the members of the faculty are offering the same courses as those given by them last year. Professor Bunker retired at the end of last year and has been made Professor Emeritus upon the Carnegie retiring salary and has resumed the practice of law at Muskegon. Professor Rood has indefinite leave of absence. Professor Stoner is serving in the army with the rank of Captain in the Motor Transport service. Assistant Professor Grismore is in the army, serving at Camp Custer. During the summer, Dean Bates was engaged in a study for the Government of certain phases of international relations, and Professor Aigler was engaged in legal and administrative work in the War Trade Board at Washington. The Law School has been glad to be able to serve its sister institution, the University of California, whose law faculty was seriously depleted because several of its men had gone into the national service, by loaning to it for one year Professor Evans Holbrook, who has leave of absence for that period. The faculty is thus reduced to ten men, but that number of men of professorial rank giving their entire time to the teaching of law is as great as is engaged in any law school for the present year.

Despite the almost complete loss of the student editorial board, the *LAW REVIEW* will continue publication as usual under charge of the faculty. The

number of leading articles upon legal problems of current interest and permanent importance assures us in some respects at least the best volume in the history of the REVIEW.

Chicago, Ill., May 15, 1918.

Editor of MICHIGAN LAW REVIEW.

SIR:

In an article upon "German Legal Philosophy" in the REVIEW for March, 1918, Mr. John M. Zane, after referring, as pro-German propaganda, to what he considers an attempt to commit our law schools to a serious study of legal philosophy, partly in translations from the German, says in a footnote at page 290:

"I suppose we may acquit the persons, who have been misled, of any consciousness that they were being used as tools of the propaganda, but I hardly know what to say of Dean Hall of the Law School of the University of Chicago, who was not ashamed to enter on a warm defence of German submarine methods against merchant vessels. He doubtless has now seen the error of his ways."

In correspondence with the REVIEW I understand that Mr. Zane admits that in making this assertion he relied upon newspaper reports, and that the only actual statements of mine to which the above note could be applicable were made in a lecture given in Chicago in February, 1916, in which I said that, while it was doubtless a proper defensive measure for an armed merchantman to fire at sight upon an approaching submarine, the latter, in dealing with vessels known to be so armed and instructed, ought not to be required to give them an opportunity for the first shot; also stating that in my opinion this conclusion did not require us to treat defensively armed merchantmen like belligerent war vessels in our ports, inasmuch as the former did not go to sea for the purpose of attacking enemy vessels, but only used their guns when necessary to prevent an attack upon themselves.

As applied to this expression of views, Mr. Zane's note seems to me so misleading that I ask you to publish this explanation of it.

Very truly yours,

JAMES P. HALL.

CHILD LABOR LAW CASE—COMMERCE POWER OF CONGRESS AND RESERVED POWERS OF THE STATES.—The decision in the Child Labor Law case, *Hammer v. Dagenhart*, — U. S. —, 62 L. ed. —, decided June 3, 1918, would have caused much less surprise twenty-five years ago than it did when announced last June, for it is based upon two constitutional provisions concerning which the much wider and more varied experience of the last quarter century had developed theories, better defined and sounder than those of the earlier period. Those two provisions are the Tenth Amendment regarding the powers reserved to the States and the Commerce Clause. There has been an astonishing amount of faulty reasoning about the Tenth Amendment in its relation